



**United States Environmental Protection Agency  
Region 1 – EPA New England  
5 Post Office Square – Suite 100  
Boston, MA 02109-3912**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**SEP 30 2015**

Ernie Orgera  
Director of Operations  
Stamford Government Center  
888 Washington Boulevard  
10th Floor  
Stamford, CT 06901

Re: Order for Compliance Pursuant to Sections 308 and 309 of the Clean Water Act, EPA Docket No. CWA-01-AO-15-012, and Request for Information Pursuant to Section 308 of the Clean Water Act, EPA Docket No. CWA-01-308-15-033

Dear Mr. Orgera:

Enclosed is an Administrative Order ("Order") issued by the U.S. Environmental Protection Agency ("EPA") pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act (the "Act"), 33 U.S.C. §§ 1318(a) and 1319(a)(3), and a Request for Information issued by the United States Environmental Protection Agency ("EPA") pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a).

The Order and the Request for Information pertain to the City of Stamford's (the "City") Municipal Separate Storm Sewer System ("MS4"), which discharges under National Pollutant Discharge Elimination System permit, No. CT0030279 (the "Permit"), issued by the Connecticut Department of Energy and Environmental Protection ("CT DEEP").

**Administrative Order**

The attached Order provides findings of non-compliance with the Permit and the Act, including unauthorized discharges of pollutants, and a schedule for compliance. The Order requires that the City (1) prepare a revised MS4 outfall map that shows the locations of all of the City's MS4 outfalls; (2) complete dry and wet weather outfall screening according to the schedule provided in the Permit; and (3) perform Illicit Discharge Detection and Elimination ("IDDE") investigations of the City's MS4 in accordance with the methodology required by the Permit for the drainage areas of four specified MS4 outfalls where unauthorized discharges have occurred.

## **Request for Information**

Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes EPA to require the owner or operator of a point source to provide information needed to determine whether there has been a violation of the Act.

By this letter, the City is hereby required, pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), to respond to the Request for Information ("Request") according to the dates specified within. Please read the instructions in Attachment A carefully before preparing your response and answer each question in Attachment B as clearly and completely as possible.

Your response to the Request must also be accompanied by a certificate that it is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification, Attachment C, is attached to this letter.

Information submitted pursuant to the Request shall be submitted on paper and in a searchable electronic format to the following addresses:

John Melcher  
U.S. Environmental Protection Agency  
5 Post Office Square, Suite 100  
Mail Code: OES04-1  
Boston, MA 02109-3912  
melcher.john@epa.gov

and

Chris Stone  
Connecticut Department of Energy and Environmental Protection  
BWM/WPED  
79 Elm Street  
Hartford, CT 06106-5127  
chris.stone@ct.gov

Compliance with the Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond within the time frame specified above, also constitutes a violation of the Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

If you have questions regarding the Order or the Request, please contact John Melcher,

Enforcement Officer of my staff at (617) 918-1663, or have your attorney contact Kevin Pechulis, Enforcement Counsel at (617) 918-1612.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Studlien".

Susan Studlien  
Director  
Office of Environmental Stewardship

cc (electronic): Chris Stone, CT DEEP

Enclosures:

- Administrative Order
- Attachment A- Request for Information Instructions
- Attachment B- Request for Information
- Attachment C- Request for Information Statement of Certification

## **Attachment A**

### **Request for Information Instructions**

1. Provide a separate narrative response to each and every item and subpart thereof set forth in the Request. Precede each response with the text and the number of the item and the subpart to which the response corresponds.
2. If you cannot respond to any item in full, respond to the extent possible. If your responses are qualified in any manner, explain.
3. Any documents referenced or relied upon by you to respond to the Request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the item and subpart to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.
4. If information or documents not known or not available to you as of the date of the submission of the response to the Request should later become known, or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is inaccurate or incomplete, you must notify the EPA of this finding as soon as possible and provide a corrected response.



## **Attachment B**

### **Request for Information**

1. By December 1, 2015, provide the location and any other available pertinent information of all MS4 outfalls known to the City in a Geographic Information System format.
2. By December 1, 2015, provide a schedule for dry weather screening of MS4 outfalls first identified after the date of issuance of the Permit, in accordance with Section 6(D)(3)(d) of the Permit.
3. By December 1, 2015, provide a schedule for wet weather screening of outfalls first identified after the date of issuance of the Permit, in accordance with Sections 7(B) and 7(E) of the Permit.
4. By December 1, 2015, provide a revised Priority Ranking of Outfall Screening, in accordance with Section 6(D)(3)(b) of the Permit.
5. By December 1, 2015, provide a priority ranking of outfall drainage areas for IDDE investigation in accordance with Section 6(D)(3)(c) of the Permit.
6. According to the City's draft 2014 & 2015 MS4 Annual Report, as a result of inspections conducted by City camera truck crews, the City has identified several illegal connections to its MS4 through which illicit discharges to the City's MS4 occur. By December 1, 2015, provide the following information regarding all illegal connections to the MS4 that the City has identified:
  - a. An address and a detailed description of the location of each illegal connection to the City's MS4;
  - b. If known, the name of the owner of the building/facility that discharges to the City's MS4;
  - c. The basis for the City suspecting the presence of an illicit connection;
  - d. The date when the City determined that the illegal connection to the MS4 existed;
  - e. If applicable, the date when the illicit connection was removed and who removed the illegal connection;
  - f. If more than 30 days elapsed between when the City identified the illegal connection and when the connection was removed, the schedule for removal that the City prepared pursuant to Section 6(D)(1)(a) of the Permit;
  - g. If more than 180 days elapsed between when the City identified the illegal connection and when the connection was removed, explain the cause of the delay and any attempts made by the City to remedy the cause of the delay; and
  - h. If the illegal connection has not been removed, the City's plans for next steps to remove the illegal connection.
7. By December 1, 2015, provide a detailed description of the City's efforts to educate owners and operators of commercial, industrial, and institutional facilities of their responsibility to control pollutants in stormwater discharges from their property to the

City's MS4, as required by Section 6(A)(1)(e) of the Permit. Provide a list of commercial, industrial, and institutional facilities that may discharge into the City's MS4.

8. By December 1, 2015, provide a detailed description of any new or increased discharges from the City's MS4 to High Quality Waters, as referenced in Section 4(A)(4) of the Permit, that have occurred since the issuance of the Permit, and, if applicable, provide the information submitted to the CT DEEP Commissioner under that Section demonstrating that the discharge will satisfy the Connecticut Anti-Degradation Implementation Policy in the Connecticut Water Quality Standards, as amended.
9. By December 1, 2015, provide a detailed description of any new or increased discharges from the City's MS4 to impaired waters, as referenced in Section 4(A)(5) of the Permit, that have occurred since the issuance of the Permit, and, if applicable, provide the data and other technical information submitted to the CT DEEP Commissioner under that Section.
10. By December 1, 2015, provide a detailed description of any new discharges from the City's MS4 to a tidal wetland (that is not fresh-tidal) where such discharge is within 500 feet of the tidal wetland, as referenced in Section 5(C) of the Permit, and, if applicable, provide the information that demonstrates the discharge passes through a system designed to retain the volume of stormwater runoff generated by 1 inch of rainfall from the MS4 within the drainage area of the discharge.
11. By July 1, 2016, provide (a) a map that shows the locations where the City's MS4 discharges into MS4 drainage systems owned by other entities (e.g., the Connecticut Department of Transportation) or from which other MS4 entities discharge into the City's MS4 (collectively, "Interconnected MS4s"); and (b) a copy of any agreements that the City has entered into with owners/operators of Interconnected MS4s by that date.
12. By July 1, 2016, provide the results of the annual inspections of any detention or retention ponds that discharge to, or receive stormwater from, the City's MS4 required by Section 6(A)(5)(h) of the Permit, including the City's analysis of the available solids removal capacity of the ponds. Provide a detailed description of any maintenance activities that the City has performed on any detention or retention ponds that discharge to, or receive stormwater from, the City's MS4, and include the weight of any solids removed from such ponds to restore full solids capture design capacity.

**End of Request**

## **Attachment C**

### **Statement of Certification**

Complete and Include With Your Response to the Request for Information

I declare under penalty of perjury that I am authorized to respond on behalf of the City of Stamford. I certify that the foregoing responses and information submitted were prepared by me, or under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 – New England**

IN THE MATTER OF	)	<b>DOCKET NO. CWA-01-AO-15-012</b>
	)	
<b>City of Stamford, Connecticut</b>	)	<b>FINDINGS OF VIOLATION</b>
NPDES Permit No. CT0030279	)	
	)	<b>AND</b>
Proceedings Under Sections 308(a) and	)	
309(a)(3) of the Clean Water Act, as	)	<b>ORDER FOR COMPLIANCE</b>
Amended, 33 U.S.C. §§ 1318(a) and	)	
1319(a)(3)	)	

**I. STATUTORY AUTHORITY**

The following FINDINGS are made and ORDER (“Order”) issued pursuant to Section 309(a)(3) of the Clean Water Act, as amended (the “Act”), 33 U.S.C. § 1319(a)(3). The requests for information contained herein are made pursuant to Section 308(a) of the Act, 33 U.S.C.

§ 1318(a). Section 309(a)(3) of the Act grants to the Administrator of the U.S. Environmental Protection Agency (“EPA”) the authority to issue orders requiring persons to comply with Sections 301, 302, 306, 307, 308, 318, and 405 of the Act and any permit condition or limitation implementing any of such sections in a National Pollutant Discharge Elimination System (“NPDES”) permit, including NPDES Permit No. CT0030279 issued to the City of Stamford, Connecticut under Section 402 of the Act, 33 U.S.C. § 1342. Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes EPA to require submission of any information required to carry out the objectives of the Act. These authorities have been delegated to the EPA, Region 1 Administrator, and in turn to the Director of EPA, Region 1 Office of Environmental Stewardship (“Director”).

The Order herein is based on findings of violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), and the conditions of NPDES Permit No. CT0030279. Pursuant to Section



309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A), the Order provides a schedule for compliance that the Director has determined to be reasonable.

## **II. DEFINITIONS**

Unless otherwise defined herein, terms used in this Order shall have the meaning given to those terms in the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, the regulations promulgated thereunder, and any applicable NPDES permit. For the purposes of this Order, "Permit" means the City of Stamford's NPDES Permit No. CT0030279, re-issued on June 4, 2013, and all amendments or modifications thereto and in effect at the time.

## **III. FINDINGS**

The Director of the Office of Environmental Stewardship makes the following findings of fact:

### **Respondent**

1. The City of Stamford (the "City" or "Respondent") is a "municipality," as defined in Section 502(4) of the Act, 33 U.S.C. § 1362(4), established under the laws of the State of Connecticut, and, as such, is a "person" under Section 502(5) of the Act, 33 U.S.C. § 1362(5).
2. The City is the owner and operator of a municipal separate storm sewer system ("MS4"), which is a system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) designed to collect, convey, and discharge storm water to receiving waters. The City's MS4 will be referred to herein as the "MS4" or the "City's MS4," and the City's MS4 outfalls will be referred to as "MS4 outfalls" or the "City's MS4 outfalls."

### **Statutory Framework**

3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into navigable waters of the United States except in compliance with, among other things, the terms and conditions of a NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
4. *Enterrococcus* and *E. coli* bacteria, ammonia, and sewage are “pollutants” within the meaning of Section 502(6) of the Act, 33 U.S.C. § 1362(6).
5. The City’s MS4 outfalls are “point sources,” within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14).
6. The City discharges pollutants, including *Enterrococcus* and *E. coli* bacteria, ammonia, and sewage, within the meaning of Section 502(12) of the Act, 33 U.S.C. § 1362(12), from its MS4 outfalls to, among other water bodies, the Rippowam River, Inner Stamford Harbor, and Westcott Cove.
7. The Rippowam River is a relatively permanent water that flows directly to Inner Stamford Harbor. The Rippowam River is a tributary with a bed and banks and other physical indicators of an ordinary high water mark. Westcott Cove and Inner Stamford Harbor are embayments of Long Island Sound, which is part of the Atlantic Ocean, a territorial sea. The Rippowam River, Inner Stamford Harbor, Westcott Cove, Long Island Sound, and the Atlantic Ocean are all “waters of the United States” and “navigable waters” under Section 502(7) of the Act, 33 U.S.C. § 1362(7).

### **Permit Requirements**

8. On June 4, 2013, the Deputy Commissioner of the Connecticut Department of Energy and Environmental Protection (“CT DEEP”) issued NPDES Permit No. CT0030279

to the City under the authority of Section 402 of the Clean Water Act, 33 U.S.C. § 1342 (the "Permit"). The authority to issue the Permit was delegated to the Commissioner of the Connecticut Department of Environmental Protection on September 26, 1973, by the EPA, Region 1 Administrator, and the Commissioner in turn delegated this authority to the CT DEEP Deputy Commissioner. The Permit authorizes the City to discharge stormwater from MS4 outfalls to waters of the United States when certain terms and conditions are met.

9. Section 3(B)(2) of the Permit authorizes the City to discharge in accordance with the terms and conditions of the Permit from July 1, 2013, until the Permit expires on June 3, 2018.
10. Section 6(A) of the Permit requires the City to implement Control Measures, which are required Best Management Practices ("BMPs"), that the City must implement to reduce the discharge of pollutants from the City's MS4 to the maximum extent practicable. One of the required Control Measures is the City's illicit discharge detection and elimination ("IDDE") program, which the City must continue to implement and update along with other programs under Section 6(D) of the Permit. See Section 6(A)(4) of the Permit.
11. Section 6(B) of the Permit requires, among other things, that the City develop a Stormwater Management Plan ("SMP") "to provide for the implementation of specific control measures, stormwater monitoring, IDDE, and other appropriate means to control the quality of authorized discharge." Under Section 6(B) of the Permit, the City was required to submit the SMP for the CT DEEP Commissioner's review and approval by July 1, 2014.



12. Section 6(B)(4)(b) of the Permit requires the City to provide, within two years of the effective date of the Permit (i.e., by June 3, 2015), a general city-wide map with enough detail to identify, among other things, the location of MS4 outfalls, the location of all sampling points pursuant to the Monitoring and Analyses section (Section 7) of the Permit, the location of city designated business, commercial, and special event areas, all receiving waters where MS4 discharges occur, and the watersheds of these receiving waters.
13. Section 6(B)(4)(d) of the Permit requires: (i) the City's SMP to include an IDDE program "to detect and eliminate existing illicit discharges and to prevent future illicit discharges," and (ii) the IDDE program to include "inspections, detection protocols, dry- and wet-weather monitoring, discharge removal protocols, and any other measures required by Section 6(D) of this permit."
14. To prevent and/or eliminate future illicit discharges, Section 6(D) of the Permit requires the City to develop an IDDE program "designed to: provide the legal authority to prohibit and eliminate illicit discharges to the MS4; find the source of any illicit discharges; eliminate those illicit discharges; and ensure ongoing screening and tracking."
15. Section 6(D)(1)(a) of the Permit prohibits "illicit discharges" to the MS4. Any such discharges are a violation of the Permit and remain a violation until they are eliminated.
16. Section 2(B) of the Permit defines "illicit discharge" as "any discharge to [the City's] MS4 that is not composed entirely of stormwater, with the exception of discharges

authorized by another NPDES permit, or discharges described in the 'Non-Stormwater Discharges' section (Section 4(A)(3)) of this permit."

17. The discharges listed in the "Non-Stormwater Discharges" section (Section 4(A)(3)) of the Permit do not include discharges of *Enterrococcus* and *E. coli* bacteria, ammonia, or sewage.
18. Section 6(D)(1)(a) of the Permit requires that "upon detection, [the City] shall eliminate illicit discharges as soon as possible and require the immediate cessation of such discharges upon confirmation of responsible parties in accordance with its enforceable legal authorities .... Where elimination of an illicit discharge within thirty (30) days of its confirmation is not possible, [the City] shall establish a schedule for its elimination; such schedule not to exceed six (6) months. No later than six (6) months after confirmation, such discharges shall be eliminated or [the City] shall initiate appropriate enforcement action. In the interim, [the City] shall take all reasonable and prudent measures to minimize the discharge of pollutants to its MS4."
19. Section 6(D)(3) of the Permit requires the City to "screen its MS4 outfalls during dry weather conditions for physical, chemical and biological indicators of the presence of illicit discharges."
20. Section 6(D)(3)(b) of the Permit requires the City to "develop a priority ranking for the purpose of scheduling its outfall screening activities required by this part." Section 6(D)(3)(b) of the Permit recommends that the City "consider the current or intended designated uses of receiving waters, existence of impaired waters, and the

relative likelihood of the presence of illicit discharges in the development of its priority ranking.”

21. Section 6(D)(3)(c) of the Permit requires that the “screening of outfalls (in the priority ranking developed in subsection (b) above) [by the City] shall be completed to facilitate the priority ranking of individual separate storm sewer drainage areas for investigation using the [City’s] Illicit Discharge Detection Protocol (“IDDP”) described in subsection (4) below.” Section 6(D)(3)(c) of the Permit provides that “analysis of screening results, including comparisons with benchmark values for parameters in Table 1 and Figure 1 in subsection (4)(d)(iv) below, shall support such prioritization.”
22. Section 6(D)(3)(d) of the Permit requires that, except where excluded by Section 6(D)(3)(a) for known illicit discharges, the City must conduct dry weather outfall screening for illicit discharges at a rate of twenty five (25) percent of the MS4 outfalls known at the time of issuance of the Permit during each of the first four years of the Permit so that it screens 100% of its outfalls within 4 years of issuance.
23. Section 6(D)(3)(e) of the Permit describes the required dry weather screening methodology that the City must conduct at MS4 outfalls. Section 6(D)(3)(e) of the Permit requires that dry weather MS4 outfall screening shall include, among other things, (1) recording any indicators or illicit discharges such as odors, oil sheen, discoloration, foaming, soap suds, slimes, or presence of sanitary floatables or solids; (2) if flow is observed, a grab sample must be collected for enumeration of *E.coli* indicator bacteria in the laboratory; and (3) field analyses of dry weather flow samples shall include measurement of the parameters described in Section



6(D)(3)(e)(vi) of the Permit. Pursuant to Section 6(D)(3)(e) of the Permit, based on the field analyses described in Section 6(D)(3)(e)(vi) of the Permit, the City shall take into account “evidence of the degree and severity of an illicit discharge ... in prioritizing outfalls for illicit discharge investigation pursuant to [Section 6(D)(4)(b) of the Permit].”

24. Section 6(D)(4)(a) of the Permit requires that the City must complete implementation of an illicit discharge detection protocol (“IDDP”) for locating and eliminating illicit discharges to the MS4. Section 6(D)(4)(a) of the Permit requires that the City “shall complete implementation of its IDDP for twenty (20) percent of the MS4 outfall drainage areas no later than five years from the effective date of this permit [(i.e., by June 3, 2018)]. The drainage areas investigated shall include the highest 20 percent of the priority areas as determined by subparagraph (b) below.” Section 6(D)(4)(a) of the Permit requires that the City must complete the IDDP “in minimum increments of twenty-five percent (25%) of these drainage areas no later than 2, 3, 4, and 5 years, respectively, from the effective date of this permit.”
25. Section 6(D)(4)(b) of the Permit requires the City to use the results from its dry weather outfall screening required by Section 6(D)(3) to develop a priority ranking of MS4 outfall drainage areas for the purpose of scheduling its IDDP implementation. Section 6(D)(4)(b) of the Permit requires that “drainage areas discharging to impaired waters will receive primary consideration when prioritizing.”
26. Section 6(D)(4)(c) of the Permit requires that the City “shall, within three years of the effective date of this permit [i.e., by June 3, 2016)], prepare mapping to facilitate implementation of its IDDP. Mapping shall provide a comprehensive depiction of

key infrastructure and factors influencing proper system operation and the potential for illicit discharges.”

27. Section 6(D)(4)(d) of the Permit provides that the “IDDP shall utilize methodologies described in this subsection to perform a thorough investigation of MS4 outfall drainage areas that relies on results from visual observation, field test kits, and portable instrumentation during dry weather conditions to isolate areas or alignments with likely illicit discharges. Internal plumbing inspections, dye or smoke testing, CCTV inspections, or other methods consistent with the [City’s] established procedures shall then be employed to confirm the illicit and non-stormwater flow sources.”
28. Section 6(D)(4)(d)(iv) of the Permit describes the IDDP’s storm sewer inspection methodology, and provides that “Table 1 indicates which [IDDE screening] analytes will be used for the determination of illicit discharges.” Under Section 6(D)(4)(d)(iv) of the Permit, if dry weather flow is observed and testing or visual inspection indicates the presence of illicit discharges, the City must, among other things, conduct the following: “Inspect next upstream stormwater structure(s) to determine which ones show signs of dry weather flow. There may be several structures depending on the tributaries; For any tributary that shows signs of dry weather flow, continue to follow that upstream using the procedures of this subsection, inspecting every structure including sub-tributaries until no structures show any indication of dry weather flow; Repeat for all tributaries that show signs of dry weather flow; Take samples whenever possible. ... For alignments that indicate an illicit discharge, the next step is to smoke test the area to determine the source of the discharge following

the notification procedures; If the location is identified appropriate corrections will be made to stop the illicit discharge; If no location is determined, dye testing of potential upstream sources shall be conducted and then the violation corrected; If no location is still identified, the area will be monitored twice per month to establish the cause of this illicit discharge.”

29. Section 6(D)(4)(d)(v) of the Permit (Field Monitoring) states that “levels of [the parameters identified in Tables 1 and 2 of that Section observed in IDDE stormwater samples] above the Reporting Limits [specified in those Tables] indicate the presence of human-generated contamination” in stormwater discharges.
30. Section 6(D)(4)(d)(xi) of the Permit requires the City to document in its Annual Reports the City’s progress in implementing its IDDP, including the results of its outfall screening and monitoring, mapping, and IDDP implementation. Section 6(D)(4)(d)(xi) of the Permit further requires the City to evaluate its progress by tracking, at a minimum, the percentage of MS4 outfall drainage areas or outfalls screened and/or monitored, percentage of structures inspected, and the footage or percentage of the MS4 cleaned and inspected by CCTV.
31. Section 7(B) of the Permit provides that “monitoring and analysis activities shall include in-stream dry and wet weather monitoring of receiving waters; wet weather outfall monitoring for storm water quality; dry and wet weather outfall screening for illicit discharges and implementation of an illicit discharge detection protocol.”
32. Section 7(E)(1) of the Permit requires that the City must perform wet weather outfall monitoring at each of its MS4 outfalls delineated in the SMP a minimum of twice



during the Permit term, with the first round of such monitoring being completed within the first two years after the effective date of the Permit (i.e., by June 3, 2015).

33. Section 7(E)(2) of the Permit requires that for stormwater discharges from the City's MS4 into water bodies identified as impaired by a known pollutant with or without an approved TMDL, the City shall include in the wet weather monitoring required under Section 7(E)(1) of the Permit the indicator pollutant(s) of concern (or appropriate precursors) identified as contributing to the impairment(s).
34. Section 7(E)(4) of the Permit requires that for the City's wet weather MS4 outfall monitoring, individual grab samples collected shall be analyzed using field and laboratory instrumentation to measure the physical, chemical, and biological water quality indicator parameters identified in this Section.

#### **EPA Audit and Sampling Inspections**

35. On June 15 and 16, 2015, EPA conducted an audit of the City's compliance with the Permit (the "EPA Audit"). On September 10, 2013, and August 5, 2015, EPA conducted sampling inspections of the City's MS4, and/or collected end-of-pipe samples at MS4 outfalls, to evaluate the City's compliance with the Permit.

#### **City MS4 Outfall Sampling**

36. On September 2, 2014, the City submitted its Stormwater Management Plan (the "2014 SMP") to the CT DEEP for review and approval. As of the date of the EPA Audit, CT DEEP had not approved the City's 2014 SMP.
37. The City's 2014 SMP provides on page 20 that the City has mapped 92 MS4 outfalls.
38. During the EPA Audit, City employees stated that the City was at that time aware that its MS4 has approximately 740-900 MS4 outfalls.

39. At the EPA Audit, the City provided EPA with a summary of dry weather MS4 outfall screening that the City had completed. Additional dry weather MS4 outfall screening data were provided by the City to EPA in an email dated July 22, 2015. The City did not perform any dry weather MS4 outfall screening during the first two years following the Permit's issuance date (i.e., June 4, 2013 – June 3, 2015). During the period from June 4, 2015 – June 18, 2015, through the use of a third party, the City performed dry weather MS4 outfall screening at nineteen (19) MS4 outfalls.
40. In an email dated July 21, 2015, the City provided EPA with a summary of the wet weather outfall monitoring that it had completed. The City performed wet weather outfall monitoring at nineteen (19) outfalls during the first two years following the Permit's effective date (i.e., June 4, 2013 – June 3, 2015). During the period from June 4, 2015 – June 18, 2015, the City performed wet weather monitoring at an additional twenty-seven (27) outfalls.

#### **Failure to Comply with the Permit**

41. The City's SMP, as submitted on September 2, 2014, includes a map, at Appendix P, that depicts 92 of the City's MS4 outfalls. The map does not show the location of all of the City's MS4 outfalls; all receiving waters where MS4 discharges occur; city-designated businesses, commercial, and special event areas; or the watersheds of these receiving waters as required by Section 6(B)(4)(b) of the Permit.
42. According to the City's 2013 & 2014 MS4 Annual Report, during the period from January 1, 2013 – June 30, 2014, the City did not perform dry weather or wet weather MS4 outfall screening/monitoring for illicit discharges at any of its MS4 outfalls as required by Sections 6(D)(3)(d), 7(E)(1), and 7(E)(2) of the Permit.

43. As of the date of the EPA Audit, the City had not collected dry weather outfall samples from fifty percent (50%) of the MS4 outfalls known at the time of issuance of the Permit as required by Section 6(D)(3)(d) of the Permit.
44. As of the date of the EPA Audit, the City had not collected wet weather outfall samples from all of the MS4 outfalls known at the time of issuance of the Permit as required by Section 7(E)(1) of the Permit.
45. As of the date of the EPA Audit, the City had not developed a priority ranking of outfall drainage areas for the purpose of scheduling implementation of the City's IDDP as required by Section 6(D)(4)(b) of the Permit.
46. As of the date of the EPA Audit, the City had not completed implementation of its IDDP for five percent (5%) of the MS4 outfall drainage areas by June 4, 2015, as required by Section 6(D)(4)(a) of the Permit.
47. The City's failure to comply with the IDDE requirements described in these findings of fact violates Sections 6(B)(4)(b), 6(D)(3)(d), 6(D)(4)(a), 6(D)(4)(b), 7(E)(1), and 7(E)(2) of the Permit. By violating conditions of the Permit, the City violated Section 301(a) of the Act, 33 U.S.C. § 1311(a).

#### **Unauthorized Discharges**

48. Section 301(a) of the Clean Water Act (the "Act"), 33 U.S.C. § 1311(a), prohibits the discharge of pollutants to waters of the United States except, among other things, in compliance with the terms and conditions of an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.



49. On September 10, 2013, EPA's New England Regional Laboratory collected samples from the City's MS4, in accordance with an EPA-approved Quality Assurance Project Plan ("QAPP"), at, among others, the following locations:
- a. "CP-1" / "DIS-124" – an access manhole located approximately 60 feet upstream (northeast) of the Cummings Park stormwater pumping station, which discharges through a submerged MS4 outfall into Westcott Cove (hereinafter referred to as outfall "DIS-124");
  - b. "City-3" / "DIS-70" / "SON-0003" – the MS4 outfall located along the Rippowam River across from Scalzi Park, along Washington Boulevard, northwest of 4th Street, which discharges into the Rippowam River (hereinafter referred to as outfall "SON-0003").
50. Results of the sampling performed by EPA on September 10, 2013, are attached to this Order at Attachment 1. Analysis of these samples demonstrates that the discharges from the sampled MS4 outfalls contained pollutants and other indicators of the presence of sewage, as follows:
- a. Outfall DIS-124 discharges contained: *E. coli* and *Enterococcus* bacteria; ammonia; and the following Pharmaceuticals and Personal Care Products ("PPCPs"): 1,7-dimethylxanthine, acetaminophen, atenolol, caffeine, carbamazepine, cotinine, and metoprolol;
  - b. Outfall SON-0003 discharges contained: *E. coli* and *Enterococcus* bacteria and the following PPCPs: 1,7-dimethylxanthine, acetaminophen, caffeine, carbamazepine, and cotinine.

51. Results from the September 10, 2013, EPA sampling at MS4 outfalls DIS-124 and SON-0003 indicate contamination with untreated sewage.
52. On June 18, 2015, the City, through the use of a third party, collected a sample during dry weather screening of MS4 outfall SON-0029. Outfall SON-0029 is located at the pedestrian bridge at the north end of the Mill River Playground and discharges into the Rippowam River.
53. Results of the City's June 18, 2015, sampling are attached to this Order at Attachment 2. Analysis of this sample indicates that the discharge from outfall SON-0029 contained pollutants and indicators of the presence of sewage, as follows: *E. coli* bacteria and ammonia.
54. Results from the June 18, 2015, dry weather outfall sampling conducted on behalf of the City at MS4 outfall SON-0029 indicates contamination with untreated sewage.
55. On August 5, 2015, EPA's New England Regional Laboratory collected samples from the City's MS4, in accordance with an EPA-approved Quality Assurance Project Plan ("QAPP") at, among other locations, access manholes located upstream of MS4 outfall "DIS-74" / "SON-0051" (hereinafter referred to as outfall "SON-0051"). Outfall SON-0051 is located near Jefferson Street at the north end of the east branch of the Inner Stamford Harbor, and discharges into Inner Stamford Harbor.
56. Results of the August 5, 2015, EPA sampling are attached to this Order at Attachment 3. Analysis of this sample demonstrates that the discharge from the sampled MS4 outfall contained pollutants, and indicators of the presence of sewage, as follows: ammonia; *E. coli* and *Enterococcus* bacteria; and the following PPCPs: 1,7-dimethylxanthine, acetaminophen, caffeine, carbamazepine, cotinine, and metoprolol.

57. Results from the August 5, 2015, EPA sampling at MS4 outfall SON-0051 indicates contamination with untreated sewage.
58. The data described in Paragraphs 50 - 57 above demonstrates that the City is discharging unauthorized pollutants, including sewage, *E. coli* and *Enterococcus* bacteria, and ammonia, from the MS4 outfalls described therein, to the Rippowam River, Inner Stamford Harbor, and Westcott Cove, and such discharges are not authorized by the Permit, by any other NPDES permit, or any other provision of the Act.
59. The City's unauthorized discharge of pollutants from its MS4 outfalls to the Rippowam River, Inner Stamford Harbor, and Westcott Cove have occurred in violation of the Permit and Section 301(a) of the Act, 33 U.S.C. § 1311(a).

#### IV. ORDER

Accordingly, based on EPA's findings of fact set forth above, pursuant to Sections 308 and 309(a)(3) of the Act, 33 U.S.C. §§ 1318 and 1319(a)(3), it is hereby ordered that the City shall:

1. By December 1, 2015, submit to EPA and CT DEEP revised MS4 outfall map(s) that comply(ies) with the requirements of Section 6(B)(4)(b) of the Permit, including the locations of all MS4 outfalls known to the City.
2. By July 1, 2016, submit to EPA and CT DEEP dry weather screening data for 75% of MS4 outfalls known at the time of Permit issuance that the City shall collect by implementing the methodology required by Section 6(D)(3)(e) of the Permit. For samples collected after December 1, 2015, at MS4 outfalls discharging to brackish or marine water bodies, such data must include analysis for *Enterococcus* bacteria.



3. By July 1, 2016, submit to EPA and CT DEEP wet weather screening data for 100% of MS4 outfalls known at the time of Permit issuance that the City shall collect by implementing Section 7(E) of the Permit, including an analysis of indicator pollutants of concern (or appropriate precursors) for receiving water bodies identified as impaired by a known pollutant. For samples collected after December 1, 2015, at MS4 outfalls discharging to brackish or marine water bodies, such data must include analysis for *Enterococcus* bacteria.
4. By July 1, 2016, (a) complete IDDE investigations in accordance with the IDDP methodology of Section 6(D)(4)(d) of the Permit, including identification of all illicit discharges located throughout the entire drainage area, for the following MS4 outfalls: (i) DIS-124, (ii) SON-0003, (iii) SON-0029, and (iv) SON-0051; and (b) provide to EPA and CT DEEP the results of the IDDE investigations conducted under subpart (a) above, including the following information:
  - i. All manholes or other locations in each drainage area where the City found evidence of illicit discharges, and the evidence that supports these determinations;
  - ii. All manholes or other locations in each drainage area where the City determined that evidence of illicit discharges was not present, and the evidence that supports these determinations; and
  - iii. Mapping prepared to facilitate implementation of the IDDP, as required by Section 6(D)(4)(c) of the Permit.

The reporting requirements set forth in this Paragraph do not relieve the City of its obligations to submit any other reports or information as required by state, federal,

or local law, including, but not limited to, the Annual Reports required by the Permit. EPA reserves the right to review and require modifications to the above reporting requirements.

## **V. NOTIFICATION PROCEDURES**

1. Where this Order requires a specific action to be performed within a certain time frame, the City shall submit a written notice of compliance or noncompliance with each deadline. Notification of compliance shall be mailed within fourteen (14) days after each required deadline. The timely submission of a required report shall satisfy the requirement that a notice of compliance be submitted.
2. If noncompliance is reported, notification shall include the following information:
  - a. A description of the noncompliance;
  - b. A description of any actions taken or proposed by the City to comply with the lapsed requirements;
  - c. A description of any factors that tend to explain or mitigate the noncompliance;  
and
  - d. An approximate date by which the City will perform the required action.
3. After a notification of noncompliance has been filed, compliance with the past-due requirement shall be reported by submitting any required documents or providing EPA with a written report indicating that the required action has been achieved.
4. Submissions required by this Order shall be submitted on paper and in a searchable electronic format to the following addresses:

John Melcher  
U.S. Environmental Protection Agency  
5 Post Office Square, Suite 100  
Mail Code: OES04-1  
Boston, MA 02109-3912  
melcher.john@epa.gov

and

Chris Stone  
Connecticut Department of Energy and Environmental Protection  
BWM/WPED  
79 Elm Street  
Hartford, CT 06106-5127  
chris.stone@ct.gov

## **VI. GENERAL PROVISIONS**

1. This Order does not constitute a waiver or modification of the terms and conditions of the Permit. The Permit remains in full force and effect. EPA reserves the right to seek any and all remedies available under Section 309 of the Act, 33 U.S.C. § 1319, as amended, for any violation cited in this Order.
2. The City may seek federal judicial review of this Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
3. The City may request changes to this Order in the event that Permit modifications become effective.
4. This Order shall become effective upon receipt by the City.



9-30-15

Date

Kane McJure for

Susan Studlien, Director

Office of Environmental Stewardship

Environmental Protection Agency, Region 1

## **Attachment 1**

### **September 10, 2013, EPA Sampling Data**

#### Abbreviations:

°C: Degrees Celsius

μS/cm: micro-Siemens per centimeter

ppt: parts per thousand

cfu/100ml: colony forming units per 100 milliliters

mg/l: milligrams per liter

ng/l: nanograms per liter

NA: not analyzed

ND (#.#): Not detected (laboratory reporting limit)

Inspection Name	City-3	CP1
Old City Name	DIS-70	DIS-124
New City Name	SON-0003	-
Date	9/10/13	9/10/13
Time	13:30	8:50
Latitude	41.064491052	41.042758276
Longitude	- 73.545976291	- 73.520714195
Additional Location Information	Upstream outfall (of the two adjacent outfalls) located along the Rippowam River across from Scalzi Park, along Washington Boulevard, northwest of 4th Street.	Access manhole located approximately 60 feet upstream (northeast) of the Cummings Park stormwater pumping station.
Physical Observations	Suds and odor observed.	Sample collected from chamber of swirling water. Appeared as though influent into chamber was submerged.
Temperature (°C)	18.8	19.9
Conductivity (µS/cm)	824	31,780
Salinity, ppt	0.4	21.7
E. coli (cfu/100ml)	6,000	22,000
Enterococcus (cfu/100ml)	>2,000	>2,000
Ammonia (mg/l)	0.0	0.25
Chlorine (mg/l)	0.01	0.0
Surfactants (mg/l)	0.2	NA
Atenolol (ng/l)	ND (2.0)	150
Acetaminophen (ng/l)	18	380
Cotinine (ng/l)	34	44
1,7-Dimethylxanthine (ng/l)	27	290
Caffeine (ng/l)	300	880
Carbamazepine (ng/l)	0.62	18
Metoprolol (ng/l)	ND (2.0)	50



## **Attachment 2**

### **June 18, 2015, City Sampling Data**

#### Abbreviations:

GPM: gallons per minute

°C: degrees Celsius

µS/cm: micro-Siemens per centimeter

NTU: Nephelometric Turbidity Units

cfu/100ml: colony forming units per 100 milliliters

mg/l: milligrams per liter

Name	SON-0029
Date	6/18/2015
Time	11:46
Physical Condition	Intact
Other Defects	Rebar exposed
Illicit Discharges	grey discoloration of water, possible toilet paper on rocks at outfall
Flow Estimation (GPM)	10
Temperature (°C)	19.3
Conductivity (µS/cm)	1,290
Turbidity (NTU)	35.80
Dissolved oxygen (mg/l)	4.73
pH	6.2
Fecal Coliform	290,000
E. coli (cfu/100ml)	290,000
Ammonia (mg/l)	>2.5
Potassium (mg/l)	21.0
Chlorine (mg/l)	0.30
Surfactants as MBAS (mg/l)	0.00
Notes	Suggested priority site; 2 outfalls present only north outfall flowing.

### **Attachment 3**

#### **August 5, 2015, EPA Sampling Data**

##### Abbreviations:

°C: Degrees Celsius

μS/cm: micro-Siemens per centimeter

ppt: parts per thousand

cfu/100ml: colony forming units per 100 milliliters

mg/l: milligrams per liter

ng/l: nanograms per liter

NA: not analyzed



Inspection Name	MHEBDIS74
Old City Name	DIS-74
New City Name	SON-0051
Date	8/5/2015
Time	9:50
Latitude	41.05208199
Longitude	-73.53438040
Additional Location Information	Access manhole located on sidewalk along Tresser Boulevard next to 1 and 2 Stamford Plaza.
Temperature (°C)	21.4
Conductivity (µS/cm)	4,394
Salinity, ppt	2.4
E. coli (cfu/100ml)	2,420
Enterococcus (cfu/100ml)	216
Ammonia (mg/l)	0.25
Chlorine (mg/l)	0.01
Surfactants (mg/l)	NA
Atenolol (ng/l)	3.1
Acetaminophen (ng/l)	56
Cotinine (ng/l)	33
1,7-Dimethylxanthine (ng/l)	150
Caffeine (ng/l)	120
Carbamazepine (ng/l)	6.0 <sup>1</sup>
Metoprolol (ng/l)	12

<sup>1</sup>. Carbamazepine internal standard recovery was below 50%

